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FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

CELA

FIRST GENERAL COUNSEL'S REPORT

MUR: 6317

DATE COMPLAINT FILED: June 22, 2010

DATE OF NOTIFICATION: June 29, 2010

RESPONSE RECEIVED: July 30, 2010

DATE OF ACTIVATION: September 7, 2010

EXPIRATION OF SOL: Earliest: May 4, 2015
Latest: May 9, 2015

COMPLAINANT:

Friends of Mike Lee and Dan Hauser, as Treasurer

RESPONDENTS:

Timothy Stewart
Utah Defenders of Constitutional Integrity
SADDLEPAC and Timothy Stewart, in his official
capacity as Treasurer

**RELEVANT STATUTES
AND REGULATIONS:**

2 U.S.C. § 431
2 U.S.C. § 433
2 U.S.C. § 434
2 U.S.C. § 441d
11 C.F.R. § 100.22
11 C.F.R. § 100.26
11 C.F.R. § 100.27
11 C.F.R. § 110.4

INTERNAL REPORTS CHECKED:

Disclosure Reports

FEDERAL AGENCIES CHECKED:

I. INTRODUCTION

The complaint in this matter alleges that Utah Defenders of Constitutional Integrity ("UDCI"), as well as SADDLEPAC and Timothy Stewart, in his official capacity as Treasurer ("SADDLEPAC"), violated various provisions of the Federal Election Campaign Act of 1971, as amended (the "Act"), in connection with a mailer that expressly advocated the defeat of Senator

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1 Robert Bennett in his bid for the Republican U.S. Senate seat nomination at the 2010 Utah GOP
2 Convention. The Complaint alleges that UDCI failed to register or report as a political
3 committee after spending more than \$1,000, that SADDLEPAC failed to report the activity, that
4 the disclaimer on the mailer did not comply with the Act, and that the mailer was misleadingly
5 designed to appear as though it came from Mike Lee, one of Senator Bennett's opponents.
6 Complaint at unnumbered 3-4; *see* 2 U.S.C. §§ 433, 434, and 441d; 11 C.F.R. §§ 100.26 and
7 100.27.¹

8 Respondents admit that UDCI, acting through Timothy Stewart, spent approximately
9 \$4,700 to produce and disseminate the mailer. Response at 2-3. Respondents assert that the
10 mailer was intended as a satirical commentary on the nominating process, and did not constitute
11 express advocacy. *Id.* at 3-7. Based on its claim that the mailer did not contain express
12 advocacy, Respondents assert the communication was not required to have a disclaimer, nor did
13 it trigger independent expenditure reporting obligations. *Id.* Respondents acknowledge that
14 UDCI has not registered with the Commission or filed disclosure reports, but contend that UDCI
15 is not a political committee. *Id.* at 7-8. Finally, Respondents deny that SADDLEPAC, a non-
16 connected political action committee founded by Mr. Stewart in 2005, was involved in the
17 creation or distribution of the mailer. *Id.* at 3.

18 As set forth below, the available information indicates that UDCI triggered political
19 committee status and is subject to the Act's registration and reporting requirements, and that the
20 disclaimer on the mailer was deficient. The information also indicates that although Stewart was
21 acting for UDCI in connection with the creation and distribution of the mailer, SADDLEPAC

¹ Although the Complaint, at one point, alleges that Respondents accepted contributions from anonymous donors, in violation of 11 C.F.R. § 110.4, the facts indicate that UDCI was aware of the source of its funds and simply failed to disclose the sources as required by 2 U.S.C. § 434.

1 was not involved in the mailer's creation or distribution. Accordingly, we recommend the
2 Commission find reason to believe that Utah Defenders of Constitutional Integrity violated
3 2 U.S.C. §§ 433, 434, and 441d, and find no reason to believe that SADDLEPAC and Timothy
4 Stewart, in his official capacity as Treasurer, violated the Act. Finally, we recommend that the
5 Commission take no action at this time as to Mr. Stewart in either his personal capacity or as a
6 possible officer of UDCI.

7 **II. FACTUAL BACKGROUND**

8
9 Utah Defenders of Constitutional Integrity, which describes itself as a grassroots
10 collection of individuals who planned to pool personal resources for the sole purpose of
11 financing the mailer at issue in this matter, was formed in the spring of 2010. UDCI claims that
12 it did not intend to create an ongoing formal organization, and did not open a bank account or
13 take any other action to establish an ongoing entity. Response at 2. UDCI has not registered
14 with the Commission or the Internal Revenue Service as either a political committee or a non-
15 profit organization.

16 UDCI asked Timothy Stewart, the founder and treasurer of SADDLEPAC and a former
17 legislative aide to Senator Bob Bennett, to design, produce, and distribute a mailer directed at
18 delegates to the 2010 Utah GOP Convention. Response at 2. Neither the media accounts relied
19 on by Complainant nor the Response to the complaint identify UDCI's principals or officers. As
20 discussed below, Mr. Stewart, who describes himself as a political consultant, is the only
21 individual identified as acting on behalf of UDCI. Mr. Stewart made public statements on the
22 organization's behalf, and also represented the organization in approving the content and making
23 payments for the mailer. Response at 2-3; *see also* Robert Gehrke and Thomas Burr, *Ex-Bennett*
24 *Staffer Linked to Temple Mailer*, The Salt Lake City Tribune, June 15, 2010.

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UDCI claims that its intent was to use a satirical mail piece to criticize "an ongoing whisper campaign propagated by various U.S. Senate candidates in Utah and their supporters regarding which candidate was the staunchest defender of the U.S. Constitution and which candidate possessed the greatest 'Utah values.'"² Response at 2. Respondents assert that they wanted to express their frustration that this "whisper campaign" was having an impact on the March 22, 2010 Republican caucus meetings (at which delegates to the upcoming GOP state convention had been selected). *Id.*

After being contacted by UDCI, Stewart arranged for Capital Campaigns, Inc. to create, produce, and disseminate the Utah Values mailer. Response at 2-3. Stewart used his personal funds to pay Capital Campaigns a deposit of \$3,500 for the mailer with the understanding that he would be reimbursed by UDCI for the cost of the mailer, which totaled approximately \$4,700. *Id.* As of the date of the Response, Stewart had only been reimbursed for \$820 of the mailer expenses.³ On or about May 4, 2010, a few days before the May 7-9, 2010 Republican nominating convention, UDCI sent the "Utah Values" mailer via the U.S. Postal Service to approximately 2,000 of the 3,500 convention delegates. See Response at 3.

The front of the Utah Values mailer poses the question, "Which candidate really has Utah values?" Response, Attachment 1. Over the question, on the left half of the mailer, is a picture of the Mormon Temple in Salt Lake City with an insert of Mike Lee's picture; opposite these pictures, on the right half of the mailer, is a picture of the United States Capitol with an insert of

² Senator Bob Bennett, Mike Lee, and Tim Bridgewater were all candidates for the 2010 Utah GOP Senate nomination. According to media reports, pre-convention polling indicated that Mike Lee had a lead over the other candidates, including Senator Bennett. During the first round of voting at the convention, Utah businessman Tim Bridgewater received the most votes, followed by Mike Lee; Senator Bennett came in third. Lee eventually won the GOP nomination over Bridgewater in the second round of voting, and won the general election.

³ It is unclear if Stewart and/or UDCI ever paid the vendor the difference between the initial deposit of \$3,500 and the total of approximately \$4,700.

1 Bob Bennett's picture. *Id.* The back of the mailer reads, "Utahans Value the Constitution Above
2 All Else. But we know it hangs by a thread. Does Senator Bennett care? Or does he care about
3 staying in power? . . . You know the answer and you have the power to change things." *Id.*
4 Below this section is a highlighted box with the statement, "State Delegates, on May 8th,
5 Release Bennett with a vote of thanks and extend the call to someone new." *Id.* (emphasis
6 added). The mailer includes the disclaimer, "Paid for by Utah Defenders of Constitutional
7 Integrity. Not authorized by any candidate or candidate's committee." *Id.* The disclaimer does
8 not include any address, telephone number, or World Wide Web address.

9 The mailer, and its use of the picture of the Mormon Temple and the wording purportedly
10 associated with the Mormon Church, received substantial media coverage. This media coverage,
11 however, did not indicate that any of the recipient GOP convention delegates who viewed the
12 mailer recognized it as satirical. Instead, media reports cited by the complaint indicate that a
13 post-convention poll found a third of the people who had seen the mailer found it offensive
14 because of the use of religious imagery and, notwithstanding the disclaimer that it was not
15 authorized by any candidate, many believed it originated from Mike Lee's campaign. Robert
16 Gehrke and Thomas Burr, *Ex-Bennett Staffer Linked to Temple Mailer*, The Salt Lake City
17 Tribune, June 15, 2010.

18 In statements made after Tim Bridgewater finished ahead of pre-convention favorite
19 Mike Lee at the GOP Convention, Timothy Stewart is first quoted in media reports as describing
20 the mailer and its impact on the election as, "the most brilliant and possibly the biggest single
21 game changing political play in Utah politics in the last 20 years." Robert Gehrke and Thomas
22 Burr, *Ex-Bennett Staffer Linked to Temple Mailer*, The Salt Lake City Tribune, June 15, 2010.
23 He states, "I sincerely wish that I could take credit for [it] . . . But I can't. I am not that

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1 diabolical nor creative . . . Instead, I am just a two-bit, wannabe political consultant, contacted by
2 some Utah folks wanting to exercise their First Amendment rights. They came up with a great
3 idea and we found a vendor and that's about the extent of it." *Id.* In these initial statements, Mr.
4 Stewart made no mention of any purported satiric intent.

5 After Mike Lee complained about the mailer and made a public statement of his intention
6 to file a complaint with the Commission, Stewart apologized for what he characterizes as his
7 "glib" initial statement, and, for apparently the first time, described the mailer as "satirical."
8 Robert Gahrke, *Lobbyist Says No Campaigns Behind Temple Mailer*, The Salt Lake City
9 Tribune, June 17, 2010. Stewart also asserts he was "motivated to act after seeing Bennett, [his]
10 former boss, being shredded by outside interest groups." *Id.* Although Stewart and
11 SADDLEPAC contributed \$1,500 to Tim Bridgewater's campaign, the Bridgewater campaign
12 disavowed that support and promised to return the contributions once it became aware that
13 Stewart was involved in creating the mailer. *Id.*

14 **III. ANALYSIS**

15 **A. Political Committee Status**

16 The Complaint alleges that UDCI is a political committee that failed to register with the
17 Commission and failed to report its contributions and expenditures, as required by the Act.
18 Complaint at 3. The Act defines a "political committee" as any committee, association, or other
19 group of persons that receives "contributions" or makes "expenditures" for the purpose of
20 influencing a Federal election which aggregate in excess of \$1,000 during a calendar year.
21 2 U.S.C. § 431(4)(A). The term "contribution" is defined to include "any gift, subscription, loan,
22 advance, or deposit of money or anything of value made by any person for the purpose of
23 influencing any election for Federal office." 2 U.S.C. § 431(8)(A)(i). The term "expenditure" is
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1 defined to include "any purchase, payment, distribution, loan, advance, deposit, or gift of money
2 or anything of value, made by any person for the purpose of influencing any election for Federal
3 Office." 2 U.S.C. § 431(9)(A)(i). Groups that trigger political committee status are required to
4 register with the Commission and publicly report all of their receipts and disbursements.
5 2 U.S.C. §§ 433 and 434.

6 The Supreme Court has held that only organizations whose major purpose is campaign
7 activity can potentially qualify as political committees under the Act. See, e.g., *Buckley v. Valeo*,
8 424 U.S. 1, 79 (1976); *FEC v. Massachusetts Citizens for Life*, 479 U.S. 238, 262 (1986)
9 ("*MCFL*"). The Commission has long applied the Court's major purpose test in determining
10 whether an organization is a "political committee" under the Act, and it interprets that test as
11 limited to organizations whose major purpose is Federal campaign activity. See Political
12 Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. 5595, 5597, 5601
13 (Feb. 7, 2007).

14 As discussed below, the available information indicates that UDCI made more than
15 \$1,000 in expenditures for communications expressly advocating the election or defeat of a
16 clearly identified Federal candidate, and UDCI's major, if not sole, purpose was Federal
17 campaign activity. Accordingly, we recommend that the Commission find reason to believe that
18 Utah Defenders of Constitutional Activity violated 2 U.S.C. §§ 433 and 434 by failing to register
19 as a political committee and report its receipts and disbursements.

20 **1. The Utah Values mailer contained express advocacy**

21
22 As an initial matter, the information indicates that UDCI spent more than \$1,000 on the
23 mailer. In fact, Respondents admit that the Utah Values mailer cost \$4,700. Response at 3.
24 Although Timothy Stewart states that he paid the vendor deposit of \$3,500 out of his personal

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1 funds, he also asserts that he was acting on UDCI's behalf and with the understanding that UDCI
2 would repay him. *Id.* at 2. Stewart also admits to receiving \$820, as of the date of the Response,
3 in repayment from UDCI. *Id.*

4 In determining whether an expenditure is for the purpose of influencing a Federal
5 election, the Commission "analyze[s] whether expenditures for any of an organization's
6 communications made independently of a candidate constitute express advocacy either under
7 11 C.F.R. § 100.22(a), or the broader definition at 11 C.F.R. § 100.22(b)." 72 Fed. Reg. at 5606.
8 Thus, if the mailer contained express advocacy, UDCI would have triggered political committee
9 status by making expenditures of more than \$1,000.

10 Under the Commission's regulations, a communication contains express advocacy when
11 it uses phrases, campaign slogans, or individual words "which in context can have no other
12 reasonable meaning than to encourage the election or defeat of one or more clearly identified
13 candidate(s), such as posters, bumper stickers, advertisements, etc. which say 'Nixon's the One,'
14 'Carter '76,' 'Reagan/Bush' or 'Mondale!'" 11 C.F.R. § 100.22(a)(emphasis added). The
15 Supreme Court has held that Section 100.22(a) express advocacy encompasses communications
16 that contain "in effect an explicit directive" to vote for or against a candidate. *MCFL*, 479 U.S. at
17 249. For the purpose of express advocacy, the fact that a message is "marginally less direct than
18 'Vote for Smith' does not change its essential nature." *Id.*

19 The Utah Values mailer constitutes express advocacy under 11 C.F.R. § 100.22(a)
20 because it contains explicit words, equivalent to those set forth in 11 C.F.R. § 100.22(a), that
21 "have no other reasonable meaning than to encourage the election or defeat of one or more
22 clearly identified candidates." 11 C.F.R. § 100.22(a). After identifying candidates Bob Bennett
23 and Mike Lee, the mailer asks the rhetorical questions: "Utahans Value the Constitution Above

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1 All Else....Does Senator Bennett care? Or does he care about staying in power?" Response,
2 Attachment 1. Then the mailer expressly advocates Bennett's defeat by stating:
3 "State Delegates, on May 8th, Release Bennett with a vote of thanks and extend the call to
4 someone new." *Id.* (emphasis added)

5 While Respondents argue that the mailer does not contain the specific "magic words"
6 recited in *Buckley* and 11 C.F.R. § 100.22(a), the lists of phrases in both *Buckley* and § 100.22(a)
7 are by their terms illustrative and not exhaustive. For example, in MUR 5634 (Sierra Club), the
8 Commission found that the phrases "LET YOUR CONSCIENCE BE YOUR GUIDE" and "LET
9 YOUR VOTE BE YOUR VOICE" to be explicit directives under 11 C.F.R. § 100.22(a) to vote
10 for the candidate who agreed with the organization's positions as expressed in a mailer. *See*
11 MUR 5634 Factual and Legal Analysis at p. 5. Similarly, the Utah Values mailer provides the
12 directive for the recipient to vote against Senator Bennett through the phrases, "Release Bennett"
13 and "extend the call to someone new." Response, Attachment 1 (emphasis added). Accordingly,
14 these statements constitute a directive to vote against Bennett and are express advocacy under
15 11 C.F.R. § 100.22(a). *See also* 11 C.F.R. § 100.22(b) (express advocacy includes
16 communications that contain an "electoral portion" that is "unmistakable, unambiguous, and
17 suggestive of only one meaning" and about which "reasonable minds could not differ as to
18 whether it encourages actions to elect or defeat" a candidate).⁴

⁴ Because the Utah Values mailer qualifies as express advocacy under Section 100.22(a), it is not necessary to consider whether it also qualifies as Section 100.22(b) express advocacy. Accordingly, the Commission need not make any determination as to Respondents' assertion as to a possible alternative interpretation of the mailer as satiric commentary that "subtly advocated against invoking religious values as a political litmus test in Utah and sought to provoke a thoughtful response and dialogue among those who had taken the position that any one candidate was more righteous than another." Response at p. 6. If the Commission had to address Respondent's assertion, it would have to consider the fact that the purported satiric intent cannot be discerned from the text, and was not recognized in any of the media reports regarding reactions to the mailer by delegates to the Utah GOP Convention. More significantly, it would have to consider that Stewart's initial statement characterizing the mailer as having a "game changing" impact on the nomination process. Further, it would have to consider that the first

2. UDCI's major purpose was Federal election activity

The Supreme Court has determined that an organization's "major purpose" may be established through the organization's public statements of its purpose. *See, e.g., FEC v. Malenick*, 310 F. Supp. 2d 230, 234-36 (D.D.C. 2004) (court found organization evidenced its "major purpose" through its own materials that stated the organization's goal of supporting the election of Republican Party candidates for Federal office and through efforts to get prospective donors to consider supporting Federal candidates), *rev'd in part on other grounds on reconsideration*, 2005 WL 588222 (D.D.C. Mar 07, 2005); *FEC v. GOPAC, Inc.*, 917 F. Supp. 851, 859 (D.D.C. 1996) ("organization's [major] purpose may be evidenced by its public statements of its purpose or by other means. . ."). An organization may also satisfy *Buckley's* "major purpose" test through sufficient spending on campaign activity. *MCFL*, 479 U.S. at 262-264 (political committee status would be conferred on *MCFL* if its spending were to become so extensive that the group's major purpose may be regarded as campaign activity).⁵

Respondents admit that UDCI was formed only for the purpose of creating and disseminating the Utah Values mailer to express UDCI's point of view to Utah GOP Convention delegates a few days before the nominating Convention. Response at 2-3. Respondents assert that during the entirety of its existence, UDCI participated in no activities outside those associated with the Republican caucus and convention process. *Id.* The available information indicates that UDCI's sole purpose was to disseminate a mailer that expressly advocated the election or defeat of candidates for the Utah Republican Senate nomination immediately before

suggestion of a satiric intent only emerged after Mike Lee announced his intent to file a complaint in this matter. Under those circumstances, it is doubtful as to whether there is a reasonable alternative interpretation of the mailer.

⁵ The Commission has applied this standard in past matters. *See, e.g.,* MUR 5540 (The Media Fund), MUR 5542 (Texans for Truth), and MURs 5577/5620 (National Association of Realtors – 527 Fund); *see also* Political Committee Status: Supplemental Explanation and Justification, 72 Fed. Reg. at 5601-02.

1 the 2010 Utah GOP Convention. Further, notwithstanding the subsequent assertion of a satiric
2 intent, Mr. Stewart's initial statements indicated that he viewed the mailer as having a "game
3 changing" impact on the Utah GOP Senate nomination process. Accordingly, there is sufficient
4 information to conclude that UDCI's major purpose was Federal campaign activity.

5 **B. 24-Hour Independent Expenditure Reporting**

6 Under the Act, a person (including a political committee) that makes independent
7 expenditures aggregating \$1,000 or more after the 20th day, but more than 24 hours, before the
8 date of an election, must file a report describing the expenditures within 24 hours. 2 U.S.C.
9 § 434(g)(1). UDCI was required to disclose its spending on the Utah Values mailer to the
10 Commission as an independent expenditure, notwithstanding its political committee status,
11 because the group spent more than \$1,000 on the mailer. Respondents admit that the mailer was
12 sent on May 4, 2010, three days before the Utah GOP Convention held on May 7-9, 2010, at
13 which the GOP Senate candidate was to be selected by convention delegates. See 2 U.S.C.
14 § 431(1)(B) (defining "election" to include "convention or caucus of a political party which has
15 authority to nominate a candidate"). Because UDCI spent over \$1,000 in connection with the
16 Utah Values mailer that was mailed three days before the nominating convention, we
17 recommend that the Commission find reason to believe that Utah Defenders of Constitutional
18 Integrity violated 2 U.S.C. § 434(g) by failing to report the costs associated with the mailer as an
19 independent expenditure.

20 **C. Disclaimers**

21 The Act requires that all general public advertising, public communications, or mass
22 mailings containing express advocacy made by a political committee include disclaimers.
23 2 U.S.C. § 441d; 11 C.F.R. §§ 110.11(a)(2), 100.26, and 100.27. Moreover, communications

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1 that are not authorized by a candidate are required to clearly state the name and permanent street
2 address, telephone number, or World Wide Web address of the person who paid for the
3 communications, and to state that the communications were not authorized by any candidate or
4 the candidate's committee. 2 U.S.C. § 441d(a)(3).

5 Complainant claims that the Utah Values mailer does not comply with the Act's
6 disclaimer requirements. Complaint at 1-2. The Utah Values mailer includes a disclaimer that
7 contains the statements, "Paid for by Utah Defenders of Constitutional Integrity. Not authorized
8 by any candidate or candidate's committee." Response, Attachment 1. While the disclaimer
9 includes the Committee's name and statement that that mailer was not authorized by any
10 candidate, the disclaimer is incomplete because it does not include UDCI's permanent street
11 address, telephone number, or World Wide Web address. Respondents claim that UDCI
12 intended to include a telephone number in the disclaimer, but that it was omitted due to a
13 miscommunication. Response at 3. Thus, Respondents acknowledge that, due to the omitted
14 telephone number, the disclaimer was deficient. Accordingly, we recommend that the
15 Commission find reason to believe Utah Defenders of Constitutional Integrity and Timothy
16 Stewart, as its agent, violated 2 U.S.C. § 441d by failing to include the required information in its
17 disclaimer as a public communication.

18 Complainant also claims that because the Utah Values mailer used Mike Lee's image and
19 contained an inadequate disclaimer, UDCI violated the Act by deliberately giving the impression
20 that the mailer came from Mike Lee. Complaint at 1-2. In support, Complainant points to post-
21 Convention polling and media reports that indicate that a third of the people who received the
22 mailer thought it was from Mike Lee. *Id.* Although the disclaimer was defective, it does clearly
23 state that UDCI paid for the mailer and that it was not authorized by any candidate or candidate's

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committee. Response, Attachment 1. Thus, there is no information that the mistaken belief by some recipients that the mailer came from Mike Lee constitutes a violation of the Act.

D. SADDLEPAC and Timothy Stewart

There is no information to contradict Respondents' assertion that SADDLEPAC was not involved with the production or distribution of the UDCI mailer. Accordingly, we recommend the Commission find no reason to believe that SADDLEPAC and Timothy Stewart, in his official capacity as Treasurer, violated 2 U.S.C. §§ 433, 434, and 441d. This recommendation as to Mr. Stewart is limited to his actions in his capacity as treasurer of SADDLEPAC, and does not represent a final disposition as to his possible liability in other capacities.

Given the uncertainty as to Mr. Stewart's role as a possible officer of UDCI, we recommend that the Commission take no action at this time as to Mr. Stewart in either his personal capacity or as a possible officer of UDCI.

IV. PROPOSED INVESTIGATION

This matter will require an investigation in order to obtain sufficient information about the identity of the persons who formed UDCI, the organization's Federal campaign activities, contributions received, and disbursements made during the 2010 election cycle, _____

_____ Given that Respondents have indicated that the Utah Values mailer was the extent of UDCI's activities, we anticipate that the investigation may be short and limited.

We intend to begin conducting the investigation informally through discussions and correspondence with UDCI's representatives. In the event that it becomes necessary to utilize formal discovery, we recommend that the Commission authorize the use of compulsory process.

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V. RECOMMENDATIONS

1. Find reason to believe that Utah Defenders of Constitutional Integrity violated 2 U.S.C. § 433 by failing to register as a political committee;
2. Find reason to believe that Utah Defenders of Constitutional Integrity violated 2 U.S.C. § 434 by failing to file disclosure reports;
3. Find reason to believe that Utah Defenders of Constitutional Integrity violated 2 U.S.C. § 441d by failing to provide the appropriate disclaimer;
4. Find no reason to believe that SADDLEPAC and Timothy Stewart, in his official capacity as Treasurer, violated 2 U.S.C. §§ 433, 434, and 441d;
5. Take no action at this time with regard to Timothy Stewart in his personal capacity or as a possible officer of Utah Defenders of Constitutional Integrity;
6. Authorize the use of compulsory process as to the Respondents and all witnesses in this matter, including the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary;
7. Approve the attached Factual and Legal Analyses; and
8. Approve the appropriate letters.

Christopher Hughey
Acting General Counsel

12/6/10
Date

BY:


Stephen A. Gura

Deputy Associate General Counsel
for Enforcement



Mark Shonkwiler
Assistant General Counsel


Camilla Jackson Jones
Attorney

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1 Attachments:

2 1. Utah Values Mailer

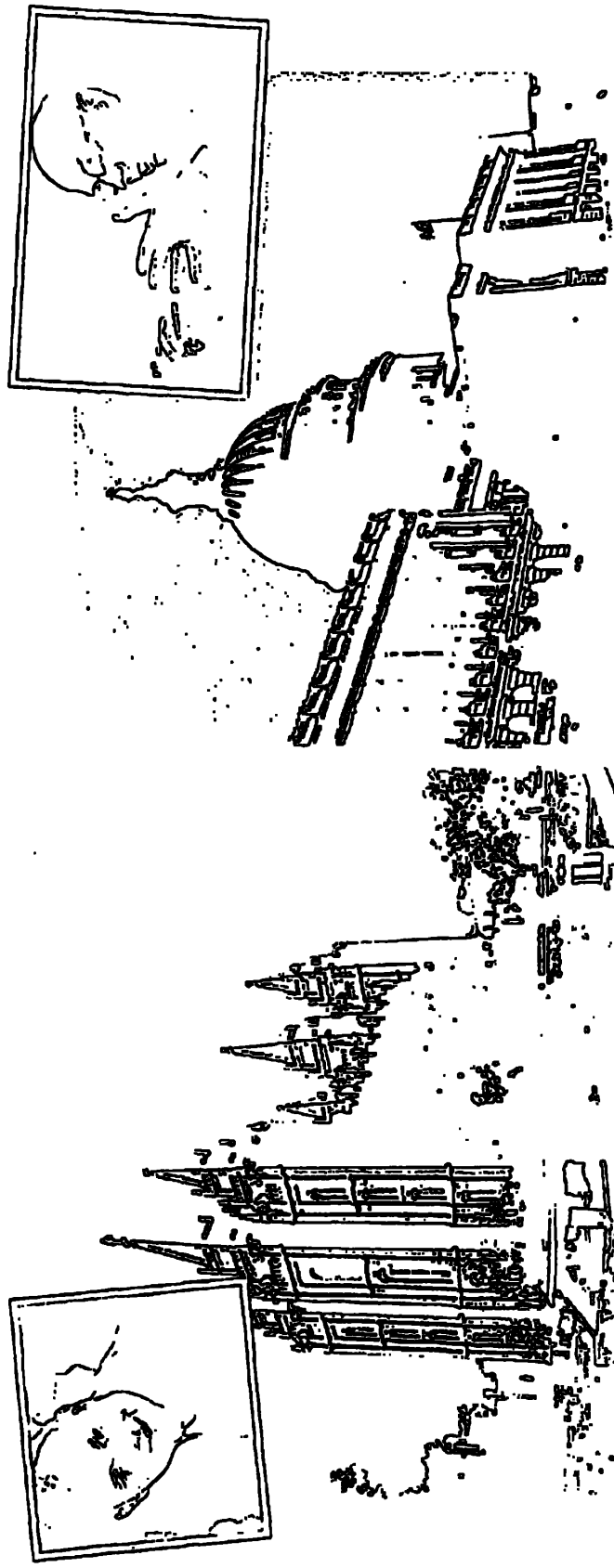
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EXHIBIT 1



Which candidate really has Utah values?

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Utahans Value the Constitution Above All Else.

Does Senator Bennett care? Or does he care about staying in power?

Can he help save it - if he doesn't even know it?

You know the answer and you have the power to change things.



Paid for by Utah Defenders of Constitutional Integrity. Not authorized by any candidate or candidate's committee.

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